

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Darlene Hughes indiv. and CM (minor)

(b) County of Residence of First Listed Plaintiff Philadelphia, PA
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
James McElroy, Esq.
123 South Broad St. #2250 Philadelphia PA 19109
215-545-8800**DEFENDANTS**

Greater Philadelphia Health Action et al.

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Veronica Finkelstein AUSA / Scott Reid, AUSA
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))

V. ORIGIN(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation
------------------------------------------------	----------------------------------------------------------------	----------------------------------------------------------	---------------------------------------------------	------------------------------------------------------------------------------	-----------------------------------------------------

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 233 28 U.S.C. § 1346**VI. CAUSE OF ACTION**Brief description of cause:
Removal from State Court - plaintiff filed Complaint in Philadelphia Court of Common Pleas**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/12/2016

veronica

Veronica Finkelstein, AUSA

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Darlene Hughes Indiv./CM		CIVIL ACTION
⋮	⋮	⋮
v.	⋮	⋮
Greater Philadelphia Health Action et al.	⋮	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

<p>08/12/2016 Date 215-861-8598</p>	<p><i>Veronica</i> Veronica Finkelstein, AUSA Attorney-at-law 215-861-8618</p>	<p>United States of America Attorney for veronica.finkelstein@usdoj.gov</p>
Telephone	FAX Number	E-Mail Address

UNITED STATES DISTRICT COURT
Case 2:16-cv-04421-MAK Document 1 Filed 08/12/16 Page 3 of 33

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: _____

Address of Defendant: U.S. Attorney's Office, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106 _____

Place of Accident, Incident or Transaction: Medical malpractice alleged to have occurred in Philadelphia, PA
(Use Reverse Side For Additional Space) _____

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities? Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place ✓ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify) _____ Medical malpractice, Federal Tort Claims Act _____

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify) _____
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Veronica J. Finkelstein, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action

case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 08/12/2016

Veronica J. Finkelstein

93927

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/12/2016

Veronica J
Attorney-at-Law

93927
Attorney I.D.#

CIV. 609 (5/2012)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARLENE HUGHES, individually and	:	
as p/n/g of C.M. , a minor	:	
	:	
	:	CIVIL ACTION NO.
Plaintiffs,	:	
	:	
vs.	:	
	:	
GREATER PHILADELPHIA HEALTH	:	
ACTION, INC. a/k/a, t/a and/or d/b/a	:	
WOODLAND AVENUE HEALTH	:	
CENTER	:	
5501 Woodland Avenue	:	
Philadelphia, PA 19143	:	
	:	
and	:	
	:	
CHINEDUM UDENZE-UTAH, M.D.	:	
5501 Woodland Avenue	:	
Philadelphia, PA 19143	:	
	:	
and	:	
	:	
ANNIE KOTTO, M.D.	:	
5501 Woodland Avenue	:	
Philadelphia, PA 19143	:	
	:	
Defendants. :		

NOTICE OF REMOVAL

Pursuant to 42 U.S.C § 223(c), defendant United States of America, on behalf of defendants Greater Philadelphia Health Action, Inc., Chinedum Udenze-Utah, M.D. and Annie Kotto, M.D., hereby removes this action to the United States District Court for the Eastern District of Pennsylvania and represents the following in support thereof:

1. On or about August 12, 2016, the United States Attorney's Office received a

copy of the plaintiff's complaint that had been filed in the Court of Common Pleas, Philadelphia County, Pennsylvania. A true and correct copy of the Complaint, which the United States believes to be the operative complaint, is attached hereto as Exhibit A.

2. The complaint names as defendants, Greater Philadelphia Health Action, Inc., Chinedum Udenze-Utah, M.D. and Annie Kotto, M.D.

3. By operation of the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(c), all three of the defendants are deemed to be federal employees of the United States for purposes of the acts or omissions giving rise to this civil action. A true and correct copy of the Notice of Determination is attached hereto as Exhibit B.

4. The Federal Tort Claims Act is the exclusive remedy for any tort action arising from the negligent or wrongful act or omission of an employee (or deemed employee) of the United States acting within the scope of his or her employment. The United States District Courts have exclusive jurisdiction over claims under the FTCA. 28 U.S.C. § 1346(b).

5. Therefore, this civil action must be removed to Federal District Court.

6. Pursuant to 42 U.S.C § 223(c), any civil action or proceeding commenced in a State court shall be removed without bond at any time before trial to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States.

7. Removal is timely pursuant to 42 U.S.C § 223(c).

8. No bond is required to accompany this notice as it is being filed on behalf of the United States. 28 U.S.C. § 233(c).

9. A certified copy of this Notice is being filed with the Prothonotary of the Court of Common Pleas, Philadelphia County, Pennsylvania and is being sent to all parties pursuant to 28 U.S.C. § 1446(d).

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney

Margaret L. Hutchinson
MARGARET L. HUTCHINSON
Assistant United States Attorney
Chief, Civil Division

Veronica J. Finkelstein
VERONICA J. FINKELSTEIN
SCOTT W. REID
Assistant United States Attorneys
United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Tel: (215) 861-8598/8358
Fax: (215) 861-8618
Veronica.finkelstein@usdoj.gov
Scott.Reid@usdoj.gov

Dated: 8/12/16

CERTIFICATE OF SERVICE

I hereby certify that on this day of August, 2016, I served a true and correct copy of the foregoing Notice of Removal, with exhibits, by Certified Mail on the following person addressed as follows:

Thomas A. Dinan, Esquire
123 S. Broad Street, Suite 1920
Philadelphia, PA 19109

Dated: *8/12/16*

Veronica J.
VERONICA J. FINKELSTEIN
SCOTT W. REID
Assistant United States Attorneys

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

		For Prothonotary Use Only (Docket Number)	
		APRIL 2016	
		E-Filing Number: 1604062729 063058	
PLAINTIFF'S NAME CM.		DEFENDANT'S NAME GREATER PHILADELPHIA HEALTH ACTION, INC. ALIAS: WOODLAND AVENUE HEALTH CENTER	
PLAINTIFF'S ADDRESS [REDACTED]		DEFENDANT'S ADDRESS 5501 WOODLAND AVENUE PHILADELPHIA PA 19143	
PLAINTIFF'S NAME DARLENE HUGHES		DEFENDANT'S NAME CHINEDUM UDENZE-UTAH MD	
PLAINTIFF'S ADDRESS [REDACTED]		DEFENDANT'S ADDRESS 5501 WOODLAND AVENUE PHILADELPHIA PA 19143	
PLAINTIFF'S NAME DARLENE HUGHES		DEFENDANT'S NAME ANNIE KOTTO MD	
PLAINTIFF'S ADDRESS [REDACTED]		DEFENDANT'S ADDRESS 5501 WOODLAND AVENUE PHILADELPHIA PA 19143	
TOTAL NUMBER OF PLAINTIFFS 3		TOTAL NUMBER OF DEFENDANTS 3	
		COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00		COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Other: <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival	
CASE TYPE AND CODE 2M - MALPRACTICE - MEDICAL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY APR 27 2016 E. MASCUILLI	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>CANDACE MINOR</u> , <u>DARLENE HUGHES</u> . Papers may be served at the address set forth below.			
NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY THOMAS A. DINAN		ADDRESS 123 S. BROAD STREET SUITE 1920 PHILADELPHIA PA 19109	
PHONE NUMBER (215) 545-8800	FAX NUMBER (215) 545-8805	E-MAIL ADDRESS tdinan@mceldrewlaw.com	
SUPREME COURT IDENTIFICATION NO. 91344		DATE SUBMITTED Wednesday, April 27, 2016, 12:40 pm	
SIGNATURE OF FILING ATTORNEY OR PARTY THOMAS DINAN		FINAL COPY (Approved by the Prothonotary Clerk)	

McELDREW YOUNG
James J. McEldrew, III, Esquire
Atty ID #: 36411
Thomas A. Dinan, Esquire
Atty ID #: 91344
123 South Broad Street, Suite 2250
Philadelphia, PA 19109
(215) 545-8800
jim@mceldrewyoung.com
tdinan@mceldrewyoung.com

DARLENE HUGHES, individually and as
p/n/g of [REDACTED] a minor

THIS IS A MAJOR JURY MATTER

Filed and indexed by the
Office of Criminal Records
27 APR 2016 12:01 PM
FBI - PHILADELPHIA

Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2016

NO.

Plaintiffs,

vs.

GREATER PHILADELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a
WOODLAND AVENUE HEALTH
CENTER
5501 Woodland Avenue
Philadelphia, PA 19143

and

CHINEDUM UDENZE-UTAH, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

and

ANNIE KOTTO, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

Defendants.

NOTICE TO DEFEND

NOTICE	AVISO
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without	Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Uste falta asentir una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya.

for this notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may have money or property or other rights important to you.
You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requerir que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.
Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, Visite en persona o llame por teléfono a la oficina cuya dirección se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociación De Licitados De Filadelfia
Servicio De Referencia E
Información Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

McELDREW YOUNG
James J. McEldrew, III, Esquire
Atty ID #: 36411
Thomas A. Dinan, Esquire
Atty ID #: 91344
123 South Broad Street, Suite 2250
Philadelphia, PA 19109
(215) 545-8800

dinan@mceldrewyoung.com

DARLENE HUGHES, individually and as
p/n/g of [REDACTED] a minor

THIS IS A MAJOR JURY MATTER

Attorneys for Plaintiffs
IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2016

Plaintiffs,
vs.

NO.

GREATER PHILADELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a
WOODLAND AVENUE HEALTH
CENTER
5501 Woodland Avenue
Philadelphia, PA 19143

and

CHINEDUM UDENZE-UTAH, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

and

ANNIE KOTTO, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

Defendants.

PLAINTIFFS' CIVIL ACTION COMPLAINT

1. Plaintiff, Darlene Hughes, is an adult individual who resides at [REDACTED]
[REDACTED]

2. Plaintiff, [REDACTED] who is a minor with a date of birth of [REDACTED] is a citizen of the Commonwealth of Pennsylvania who resides with her mother, Plaintiff, Darlene Hughes at [REDACTED]

3. Defendant, Greater Philadelphia Health Action, Inc. a/k/a, t/a and/or d/b/a Woodland Avenue Health Center (GPHA), is a corporation and/or other business entity which, at all relevant times, maintained offices and/or a place of business at 5501 Woodland Avenue, Philadelphia, PA 19143 that provided, by and through its employees, agents, servants and/or ostensible agents, medical care, at times material, to Plaintiff at the aforementioned location. Plaintiff is asserting a professional liability claim against this Defendant.

4. At all times material, Defendant, Greater Philadelphia Health Action, Inc. a/k/a, t/a and/or d/b/a Woodland Avenue Health Center acted through its employees, agents, servants and/or ostensible agents, medical care, at times material, to Plaintiff at the aforementioned location and are vicariously liable for the negligent acts and/or omissions of said agents while acting within the course and scope of their employment.

5. Defendant, Chinedum Udenze-Utah, M.D., is a physician, who upon information and belief was licensed to practice medicine in the Commonwealth of Pennsylvania, having a regular place of business, at all times material, at 5501 Woodland Avenue, Philadelphia, PA 19143 and who held herself out as a specialist in the field of Pediatrics. Plaintiff is asserting a professional liability claim against this Defendant.

6. Defendant, Annie Kotto, M.D., is a physician, who upon information and belief was licensed to practice medicine in the Commonwealth of Pennsylvania, having a regular place of business, at all times material, at 5501 Woodland Avenue, Philadelphia, PA 19143 and who held herself out as a specialist in the field of Pediatrics. Plaintiff is asserting a professional liability claim against this Defendant.

7. At times material, Defendant, Chinedum Udenze-Utah, M.D was the employee, servant, agent and/or ostensible agent of Defendant, Greater Philadelphia Health Action, Inc. a/k/a, t/a and/or d/b/a Woodland Avenue Health Center.

8. At times material, Defendant, Annie Kotto, M.D was the employee, servant, agent and/or ostensible agent of Defendant, Greater Philadelphia Health Action, Inc. a/k/a, t/a and/or

d/b/a Woodland Avenue Health Center.

9. At all times material, Plaintiff was a patient of the Defendants, at the aforementioned location, in Philadelphia County, and accordingly venue is proper in Philadelphia County.

10. At all times material, Plaintiff was provided medical care, by Defendants, at the aforementioned location, in Philadelphia County, and accordingly venue is proper in Philadelphia County.

11. At all times material, Plaintiff was provided medical care, by Defendants, at the aforementioned location as part of her routine medical care as well visits were performed at the 5501 Woodland Avenue, Philadelphia, PA 19143 location.

12. At all times material, Defendants owed the minor Plaintiff a medical and/or legal duty to refrain from engaging in medical care that increased the risk of harm to the minor Plaintiff.

13. At all times material, Defendants knew or should have known that Candace Minor, who is a minor with a date of birth of [REDACTED] should be protected from preventable harm.

14. At all times material, Defendants knew or should have known that when exercising medical judgment, a healthcare provider must always choose the safest path for the patient.

15. At all times material, Defendants knew or should have known that when exercising medical judgment, a patient should not be needlessly exposed to a continuing threat to her personal wellbeing.

16. [REDACTED], who is a minor with a date of birth of [REDACTED] is the biological child of Phillip Mack and Darlene Hughes.

17. [REDACTED] a minor, became a patient of Greater Philadelphia Health Action, Inc. n/k/a, t/a and/ or d/b/a Woodland Avenue Health Center in September of 2000 and was seen for routine well visits.

18. In approximately March 2007, [REDACTED]'s biological parents became separated and lived in different residences.

19. At or about that time, [REDACTED] C.M., a minor, was residing with her mother as her primary caregiver.

20. [REDACTED] C.M., a minor, would spend weekends with her biological father Phillip Mack.

21. On March 2, 2011, at the age of [REDACTED] C.M., a minor, presented to the GPHA center and was seen by Dr. Chinedum Udenze-Utah.

22. On March 2, 2011, [REDACTED] C.M.'s mother reported that she was concerned that [REDACTED] C.M. was being sexually abused by her father while visiting him on weekends.

23. Despite being placed on actual and/or constructive notice of [REDACTED] C.M., a minor, being sexually abused, Dr. Chinedum Udenze-Utah performed no further investigation into the allegations, failed to report the allegations to the proper City and/or State authorities, failed to perform a rape kit, failed to send [REDACTED] C.M., a minor, to the appropriate sexual assault professionals for investigation and failed to file a formal report of suspected child abuse pursuant to Pennsylvania's Child Protective Service Law –Title 23 P.A. C.S.A Chapter 63.

24. On March 2, 2011, Dr. Chinedum Udenze-Utah failed to generate and implement a course of medical treatment to rule out that [REDACTED] C.M., a minor, was a victim of sexual abuse at the hands of her biological father.

25. On March 2, 2011, Dr. Chinedum Udenze-Utah assured [REDACTED] C.M.'s mother that there was no evidence of sexual abuse.

26. On April 7, 2011, [REDACTED] C.M. presented to the GPHA center and was seen by Dr. Annie Kotto.

27. On April 7, 2011, [REDACTED] C.M., a minor, was complaining of vaginal itch and discharge. Further, it was reported that [REDACTED] C.M. was waking up in the middle of the night complaining of vaginal itch, vaginal discharge and burning on urination.

28. On the April, 7, 2011 visit, Dr. Annie Kotto was on actual notice of the allegations of sexual abuse as it was reported at the March 2, 2011 visit and contained in [REDACTED] C.M.'s chart yet these entries, in [REDACTED] C.M.'s chart, were not correlated by Dr. Annie Kotto to ascertain whether [REDACTED] C.M., a minor, was being sexually abused.

29. Despite being placed on actual and/or constructive notice of Candace Minor, a minor, being sexually abused, Dr. Annie Kotto performed no further investigation into the

allegations, failed to report the allegations to the proper City and/or State authorities, failed to perform a rape kit, failed to send [REDACTED] C.M., a minor to the appropriate sexual assault professionals for investigation and failed to file a formal report of suspected child abuse pursuant to Pennsylvania's Child Protective Service Law –Title 23 P.A. C.S.A Chapter 63.

30. On the April, 7, 2011 visit, Dr. Annie Kotto assured [REDACTED]'s mother that there was no evidence of sexual abuse.

31. On both March 2, 2011 and April 7, 2011, Defendants failed to generate and implement a course of medical treatment to rule out that [REDACTED] was a victim of sexual abuse at the hands of her biological father, failed to perform a rape kit and/or send [REDACTED] a minor, to appropriate sexual assault professionals

32. On both March 2, 2011 and April 7, 2011, Plaintiff, Darlene Hughes relied upon Defendants to protect her child, Plaintiff, [REDACTED] a minor, and take proper action to safeguard [REDACTED]

33. On both March 2, 2011 and April 7, 2011, due to Defendants' assurances that [REDACTED] complaints of vaginal itching and/or burning and vaginal discharge were not caused by sexual assault, [REDACTED] mother, Darlene Hughes continued to allow her daughter to visit with her biological father, Phillip Mack.

34. On October 15, 2012, [REDACTED] a minor reported to her mother, that she was being molested by her biological father, Phillip Mack and was taken to The Children's Hospital of Philadelphia for evaluation and treatment for sexual assault.

35. Medical providers at The Children's Hospital of Philadelphia generated a formal report of suspected child abuse pursuant to Pennsylvania's Child Protective Service Law –Title 23 P.A. C.S.A Chapter 63.

36. Phillip Mack was arrested on November 28, 2012 for suspected sexual assault/child molestation of Candace Minor, a minor.

37. On December 15, 2014, Phillip Mack pled nolo contendre to 1st Degree Felony rape of a child 8-16 years old and was sentenced to the Commonwealth of Pennsylvania Department of Corrections for 15 years.

38. On March 25, 2013, [REDACTED], then [REDACTED] was admitted to Fairmount Behavioral Health with Post Traumatic Stress Disorder with suicidal ideation, severe

depression, flashbacks of the repeated assaults and anxiety. [REDACTED] was kept for inpatient observation until April 5, 2013.

39. On May 24, 2014, [REDACTED], then [REDACTED] was admitted to Belmont Behavioral Health with Post Traumatic Stress Disorder with suicidal ideation, severe depression, flashbacks of the repeated assaults and anxiety. Candace Minor was kept for inpatient observation until June 3, 2014.

40. [REDACTED] is currently undergoing psychological treatment and is medicating with various anti-anxiety and/or anti-depressant medications.

COUNT I - NEGLIGENCE
PLAINTIFFS v. CHINEDUM UDENZE-UTAH, M.D.

41. Plaintiffs repeat each and every allegation of all preceding paragraphs with the same force and effect as if set forth here at length.

42. At all times material, Defendant, Dr. Chinedum Udenze-Utah had a duty to care for and treat [REDACTED] a minor, in accordance with acceptable standards of medical care and treatment.

43. At all times material, Defendant Dr. Chinedum Udenze-Utah acting individually and/or as agents of each other, deviated from accepted standards of care in the assessment and treatment of [REDACTED] a minor and were negligent by:

- a. failing to properly assess [REDACTED] a minor;
- b. failing to properly diagnose [REDACTED] a minor;
- c. failing to take proper steps to ensure [REDACTED] a minor's safety;
- d. failing to recommend an appropriate course of treatment for [REDACTED]
[REDACTED] a minor;
- e. failing to perform further investigation into the allegations of sexual abuse;
- f. failing to report the allegations to the proper City and/or State authorities;
- g. failing to perform a rape kit on [REDACTED] a minor;
- h. failing to refer [REDACTED] a minor, a sexual assault counselor for investigation;

- i. failing to file a formal report of suspected child abuse pursuant to Pennsylvania's Child Protective Service Law –Title 23 P.A. C.S.A Chapter 63;
- j. failing to order that [REDACTED] a minor shall not have unsupervised contact with her father after the abuse was reported; and
- k. negligently assuring [REDACTED] a minor's mother that there was no evidence of sexual abuse.

44. As a direct and proximate result of Defendant, Chinedum Udenze-Utah, M.D.'s aforementioned conduct, Plaintiff continued to suffered severe, painful and/or permanent bodily injuries, including but not limited to repeated sexual assault until the abuse was reported on October 15, 2012, Post-Traumatic Stress Disorder with suicidal ideation, severe depression, flashbacks of the repeated assaults and anxiety.

45. As a direct and proximate result of Defendant, Chinedum Udenze-Utah, M.D.'s aforementioned conduct, [REDACTED] a minor is forced to incur medical expenses and these expenses will accrue in the further.

46. As a direct and proximate result of Defendant, Chinedum Udenze-Utah, M.D.'s aforementioned conduct, Candace Minor will experience a loss of future earning capacity.

47. As a direct and proximate result of Defendant, Chinedum Udenze-Utah, M.D.'s aforementioned conduct, [REDACTED] has suffered significant physical and mental pain and suffering, anguish, inconvenience, loss of life's pleasures, has been admitted for inpatient, emergent psychological treatment and will continue to suffer into the future.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendants, jointly and severally, for compensatory damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) exclusive of interest and costs, plus such further relief as this Honorable Court deems just including, but not limited to, delay damages pursuant to Pa. R.C.P. 238.

COUNT II - NEGLIGENCE
PLAINTIFFS v. ANNIE KOTTO, M.D.

48. Plaintiffs repeat each and every allegation of all preceding paragraphs with the same force and effect as if set forth here at length.

49. At all times material, Defendant Dr. Annie Kotto had a duty to care for and treat [REDACTED] in accordance with acceptable standards of medical care and treatment.

50. At all times material, Defendant Dr. Annie Kotto acting individually and/or as agents of each other, deviated from accepted standards of care in the assessment and treatment of [REDACTED] a minor and were negligent by:

- a. failing to properly assess [REDACTED] a minor;
- b. failing to properly diagnose [REDACTED], a minor;
- c. failing to take proper steps to ensure [REDACTED] a minor's safety;
- d. failing to recommend an appropriate course of treatment for [REDACTED]
[REDACTED] a minor;
- e. failing to perform further investigation into the allegations of sexual abuse;
- f. failing to report the allegations to the proper City and/or State authorities;
- g. failing to perform a rape kit on [REDACTED] a minor;
- h. failing to refer [REDACTED] a minor to a sexual assault counselor for investigation;
- i. failing to review [REDACTED] a minor's chart for reports of suspected sexual abuse; and
- j. failing to file a formal report of suspected child abuse pursuant to Pennsylvania's Child Protective Service Law -Title 23 P.A. C.S.A Chapter 63.
- k. failing to order that [REDACTED] a minor shall not have unsupervised contact with her father after the abuse was reported;
- l. negligently assuring [REDACTED] mother that there was no evidence of sexual abuse;
- m. failing to properly reviewing [REDACTED] a minor's chart; and
- n. failing to properly correlate the allegations of sexual abuse, from the March 2, 2011 visit, on April, 7, 2011.

51. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, Plaintiff continued to suffered severe, painful and/or permanent bodily injuries,

including but not limited to repeated sexual assault until the abuse was reported on October 15, 2012, Post-Traumatic Stress Disorder with suicidal ideation, severe depression, flashbacks of the repeated assaults and anxiety.

52. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, [REDACTED] a minor is forced to incur medical expenses and these expenses will accrue in the further.

53. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, Candace Minor, a minor will experience a loss of future earning capacity.

54. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, [REDACTED] a minor has suffered significant physical and mental pain and suffering, anguish, inconvenience, loss of life's pleasures, has been admitted for inpatient, emergent psychological treatment and will continue to suffer into the future.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendants, jointly and severally, for compensatory damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) exclusive of interest and costs, plus such further relief as this Honorable Court deems just including, but not limited to, delay damages pursuant to Pa. R.C.P. 238.

COUNT III - NEGLIGENCE

**PLAINTIFFS v. GREATER PHILADELPHIA HEALTH ACTION, INC. a/k/a, t/a and/or
d/b/a WOODLAND AVENUE II HEALTH CENTER**

55. Plaintiffs repeat each and every allegation of all preceding paragraphs with the same force and effect as if set forth here at length.

56. At all times material, Defendant, Greater Philadelphia Health Action, Inc. a/k/a, t/a and/or d/b/a Woodland Avenue Health Center acted through its employees, agents, servants and/or ostensible agents, medical care, at times material, to Plaintiff at the aforementioned location and are vicariously liable for the negligent acts and/or omissions of said agents while acting within the course and scope of their employment.

57. At all times material, the agents, servants, employees and/or ostensible agents of Defendant GPHA were acting within the course and scope of their employment in the assessment, care and treatment of [REDACTED] a minor.

58. At all times material, Defendant, Greater Philadelphia Health Action, Inc. a/k/a, t/a and/or d/b/a Woodland Avenue Health Center deviated from the acceptable standard of care in the treatment of [REDACTED] a minor and were negligent by:

- a. failing to properly assess [REDACTED] a minor;
- b. failing to properly diagnose [REDACTED] a minor;
- c. failing to take proper steps to ensure [REDACTED], a minor's safety;
- d. failing to recommend an appropriate course of treatment for [REDACTED]
[REDACTED] a minor;
- e. failing to perform further investigation into the allegations of sexual abuse;
- f. failing to report the allegations to the proper City and/or State authorities;
- g. failing to perform a rape kit on [REDACTED] a minor;
- h. failing to refer [REDACTED] a minor, a sexual assault counselor for investigation;
- i. failing to review [REDACTED] a minor's chart for reports of suspected sexual abuse;
- j. failing to file a formal report of suspected child abuse pursuant to Pennsylvania's Child Protective Service Law -Title 23 P.A. C.S.A Chapter 63;
- k. failing to order that [REDACTED] a minor shall not have unsupervised contact with her father after the abuse was reported;
- l. negligently assuring [REDACTED] mother that there was no evidence of sexual abuse;
- m. failing to properly reviewing [REDACTED] chart; and
- n. failing to properly correlate the allegations of sexual abuse, from the March 2, 2011 visit, on April, 7, 2011.

59. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, Plaintiff continued to suffered severe, painful and/or permanent bodily injuries, including but not limited to repeated sexual assault until the abuse was reported on October 15, 2012, Post-Traumatic Stress Disorder with suicidal ideation, severe depression, flashbacks of the

repeated assaults and anxiety.

60. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, [REDACTED] C.M. [REDACTED] a minor forced to incur medical expenses and these expenses will accrue in the further.

61. As a direct and proximate result of Defendant, Dr. Annie Kotto.'s aforementioned conduct, [REDACTED] C.M. [REDACTED] a minor will experience a loss of future earning capacity.

62. As a direct and proximate result of Defendant, Dr. Annie Kotto's aforementioned conduct, [REDACTED] C.M. [REDACTED] a minor has suffered significant physical and mental pain and suffering, anguish, inconvenience, loss of life's pleasures, has been admitted for inpatient, emergent psychological treatment and will continue to suffer into the future.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendants, jointly and severally, for compensatory damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) exclusive of interest and costs, plus such further relief as this Honorable Court deems just including, but not limited to, delay damages pursuant to Pa. R.C.P. 238.

McELDREW YOUNG

By:

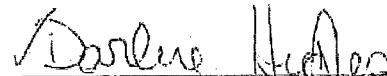


JAMES J. MCELDREW, III, ESQUIRE
THOMAS A. DINAN, ESQUIRE
Attorney for Plaintiffs

Date: 4/26/16

VERIFICATION

I, Darlene Hughes, individually and as p/n/g of [REDACTED] C.M. a minor, hereby verify that I am the Plaintiff in this action. I have read the foregoing Civil Action Complaint and the statements made therein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



DARLENE HUGHES, individually and as
p/n/g of [REDACTED] C.M. a minor

Dated: 4/26/16

McELDREW YOUNG

James J. McEldrew, III, Esquire

Atty ID #: 36411

Thomas A. Dinan, Esquire

Atty ID #: 91344

123 South Broad Street, Suite 2250
Philadelphia, PA 19109

(215) 545-8800

jim@mceldrewyoung.com

tdinan@mceldrewyoung.com

DARLENE HUGHES, individually and as
p/o/g of [REDACTED] C.M. a minor

[REDACTED]
Plaintiffs,

vs.

GREATER PHILADELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a
WOODLAND AVENUE HEALTH
CENTER
5501 Woodland Avenue
Philadelphia, PA 19143

and

CHINÉDUM UDENZE-UTAH, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

and

ANNIE KOTTO, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

Defendants.

THIS IS A MAJOR JURY MATTER

Plaintiffs and Defendants by their
counsel or designee do hereby
certify that this matter
is a major matter.

Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2016

NO.

**CERTIFICATE OF MERIT AS TO DEFENDANT, GREATER PHILADELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a WOODLAND AVENUE HEALTH CENTER**

I, James J. McEldrew, III, Esquire and Thomas A. Dinan, Esquire, certify that:

An appropriate licensed professional had supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell

outside acceptable standards and that such conduct was a factual cause and/or increased the risk of harm sustained by the plaintiffs;

AND

The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a factual cause and/or increased the risk of harm sustained by the plaintiffs;

OR

Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against the defendant.

McELDREW YOUNG

By: */s/ Thomas A. Dinan*

JAMES J. McELDREW, III, ESQUIRE
THOMAS A. DINAN, ESQUIRE
Attorneys for Plaintiffs

Dated: April 26, 2016

McELDREW YOUNG

James J. McEldrew, III, Esquire
Atty ID #: 36411
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Atty ID #: 91344
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www.mceldrewyoung.com

tdinan@mceldrewyoung.com

DARLENE HUGHES, individually and as
p/n/g of [REDACTED] CM [REDACTED] a minor

[REDACTED]
Plaintiffs,
vs.

THIS IS A MAJOR JURY MATTER

Filed and Accepted by the
Office of Judicial Records
27 APR 2016 12:17 PM
S. M. MCGINNIS
[REDACTED]

Attorneys for Plaintiffs

**IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

APRIL TERM, 2016

NO.

**GREATER PHILADELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a
WOODLAND AVENUE HEALTH
CENTER
5501 Woodland Avenue
Philadelphia, PA 19143**

and

**CHINEDUM UDENZE-UTAH, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143**

and

**ANNIE KOTTO, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143**

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT, CHINEDUM UDENZE-UTAH, M.D.

I, James J. McEldrew, III, Esquire and Thomas A. Dinan, Esquire, certify that:

An appropriate licensed professional had supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable standards and that such conduct was a factual cause and/or increased the risk of harm sustained by the plaintiffs;

AND

The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a factual cause and/or increased the risk of harm sustained by the plaintiffs;

OR

Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against the defendant.

McELDREW YOUNG

By: */s/ Thomas A. Dinan*

JAMES J. McELDREW, III, ESQUIRE
THOMAS A. DINAN, ESQUIRE
Attorneys for Plaintiffs

Dated: April 26, 2016

McELDREW YOUNG
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jdinan@mcedrewyoung.com

DARLENE HUGHES, individually and as
p/o/g of [REDACTED] C.M. a minor

[REDACTED] Plaintiffs,

vs.

GREATER PHILADELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a
WOODLAND AVENUE HEALTH
CENTER
5501 Woodland Avenue
Philadelphia, PA 19143

and

CHINEDUM UDENZE-UTAH, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

and

ANNIE KOTTO, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

Defendants.

THIS IS A MAJOR JURY MATTER

Filed and Activated by the
Office of Judicial Records
on 8/12/2016 at 1:15 PM
[REDACTED]

Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2016

NO.

CERTIFICATE OF MERIT AS TO DEFENDANT, ANNIE KOTTO, M.D.

I, James J. McEldrew, III, Esquire and Thomas A. Dinan, Esquire, certify that:

An appropriate licensed professional had supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable standards and that such conduct was a factual cause and/or increased the risk of harm sustained by the plaintiffs;

AND

The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a factual cause and/or increased the risk of harm sustained by the plaintiffs;

OR

Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against the defendant.

McELDREW YOUNG

By: */s/ Thomas A. Dinan*

JAMES J. McELDREW, III, ESQUIRE
THOMAS A. DINAN, ESQUIRE
Attorneys for Plaintiffs

Dated: April 26, 2016

EXHIBIT B

**IN THE COURT OF COMMON PLEAS
COUNTY OF PHILADELPHIA COUNTY, PENNSYLVANIA**

DARLENE HUGHES, individually and
as p/n/g of C.M. , a minor
938 E. Phil Elena Street, Apt. B
Philadelphia, PA 19150

APRIL TERM, 2016
No. 003058

Plaintiffs,

vs.

GREATER PHIALDELPHIA HEALTH
ACTION, INC. a/k/a, t/a and/or d/b/a
WOODLAND AVENUE HEALTH
CENTER
5501 Woodland Avenue
Philadelphia, PA 19143

and

CHINEDUM UDENZE-UTAH, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

and

ANNIE KOTTO, M.D.
5501 Woodland Avenue
Philadelphia, PA 19143

Defendants.

**NOTICE OF DETERMINATION THAT CERTAIN DEFENDANTS ARE
DEEMED TO BE EMPLOYEES OF THE
PUBLIC HEALTH SERVICE**

TO: Office of Judicial Records
First Judicial District of Pennsylvania
Room 296 City Hall
Philadelphia, PA 19107

PLEASE TAKE NOTICE THAT, pursuant to 42 U.S.C. § 233(l)(1), the Attorney General of the United States, by and through his designee, Zane David Memeger, United States

Attorney for the Eastern District of Pennsylvania, has determined that defendants Dr. Chinedum Udenze-Utah, and Dr. Annie Kotto, are deemed to be employees of the Public Health Service with respect to the actions or omissions that are the subject of the above captioned action.¹

Respectfully submitted,

Dated:

8/12/16

Zane David Memeger/jmc
ZANE DAVID MEMEGER
United States Attorney

¹ Dr. Udenze-Utah and Dr. Kotto were employed by Greater Philadelphia Health Action, Inc. (“GPHA”) at all times relevant to the allegations in the complaint. GPHA is a federal funded health center. Its employees, acting in the scope of their federally funded employment, are deemed to be covered by the Federal Tort Claims Act.